



FWP Region 6
1 Airport Rd
Glasgow, MT 59230

July 29, 2020

DESCRIPTION OF THE PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP) proposes to purchase a perpetual conservation easement on approximately 11,285 acres in Blaine County. The project referred to as the Lone Tree Conservation Easement (LTCE), consists of four separate parcels all located near the Upper Missouri River Breaks National Monument. The cost to purchase the conservation easement is \$5,093,680. This figure was based on the fair market value of the easement as determined by an independent appraisal. Funding for the project would be provided by FWP’s Habitat Montana program, Montana Sheep Auction Fund, and the Montana Fish and Wildlife Conservation Trust.

The goal of the LTCE is to protect, enhance, and conserve a variety of native habitats including prairie grassland, sagebrush steppe, and prairie forest vegetation communities that provide important winter and year-long habitat for bighorn sheep, mule deer, pronghorn antelope, elk, sage grouse, upland birds and a variety of other small mammal, bird, reptile and amphibian species. The proposal would also enhance existing native and non-native habitats through implementation of a grazing system and reseeded of cultivated land to permanent vegetative cover. The easement also ensures that free public hunting and recreational opportunities would be offered into the future while maintaining the traditional agricultural use and private ownership of the property.

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) REVIEW

The Montana Environmental Policy Act (MEPA) directs State agencies to assess the impacts of their proposed actions on the human and natural environment. Formal public participation in the MEPA process was initiated in October 2019 with a 30-day initial public review period, during which the public was encouraged to provide input on reasonable alternatives, mitigation measures, issues and potential impacts of the proposal. Notices of this opportunity for public comment were mailed to neighboring landowners, Blaine County Commissioners, area legislators, and other interested parties. Notices were placed in three newspapers: the Havre Daily News, Great Falls Tribune, and Helena Independent Record and on the FWP website. A total of three individuals submitted comments during this period. The input from these comments was considered during development of the Draft Environmental Assessment (EA).

The EA was distributed for public comment on June 12th, 2020 for a 30-day comment period ending July 11th. Legal notices of the EA release and comment period were published in the following local newspapers: Havre Daily News and the Helena Independent Record. A public notice was also placed on the FWP website. A press release was distributed to newspapers and local radio stations. Notice of the availability of the EA and comment period were sent to adjacent landowners, Blaine County commissioners, interested parties, Bureau of Land Management (BLM), Montana Department of Natural

Resources (DNRC), area legislators, and other interested parties. A public meeting was held at the MSU-Northern Hensler auditorium on June 30th; there were 13 members of the public in attendance at the meeting.

SUMMARY OF PUBLIC COMMENT

There were written comments received from 22 individuals or groups during the public comment period (Appendix A). Nineteen of the comments were in support of the proposal to purchase the LTCE and did not raise concern or questions about the draft EA. No response is given to those comments. Three comments raised concerns or questions about the proposal or the draft EA, with two of those comments opposing the proposal. Responses from FWP to those concerns and questions are below. All of the comments submitted were sent digitally, either via e-mail or the FWP website. Twenty-one of the comments appeared to be from different individuals as they were all from unique e-mail addresses. One comment was from a group (Montana Sportsman's Alliance) and was from 10 members on their leadership team.

CONCERNS AND QUESTIONS IDENTIFIED FROM PUBLIC COMMENTS

Public comments were categorized under the following headings:

Hunter Access Management

Will the hunter access at the CE areas be by state statutes? By state statutes a hunter needs to have permission to cross all/any other landowner property to access to the CE area where permission to hunt was granted (Comment 21)

FWP response: The easement does not grant any permission to cross adjacent landowner's property where there is not a legal right of access. Access to or through neighboring private landowner parcels would be according to state statutes and would require landowner permission.

Who is responsible to make sure illegal access is enforced, the hunter, the guide/outfitter, FWP or the landowner who is providing the hunting grounds? (Comment 21)

FWP Response: FWP would be responsible for enforcing hunting violations which would include hunting without landowner permission. It is every hunter's responsibility to know the land ownership of the area they intend to hunt and any land use restrictions that may apply there.

Without legal easements established, the only legal access the general public has to access the proposed CE areas is by utilizing the county (public) roads and then not crossing any other private lands unless a formal easement is established. Does the CE have legal access to allow the public to cross CE neighbor's land to get to a CE areas? There are areas, specifically in Section 13 T24N R18E and Section 10, T23N R18E where parcels are not accessible without crossing other private land. Without legal easements established, the only legal access the general public has to access the proposed CE areas is by utilizing the county (public) roads and then not crossing any other private lands unless a formal easement is established. (Comment 21)

FWP Response: The landowner has negotiated access easements that would be filed upon closing of the easement. These access easements would allow the landowners and hunters with permission to access the parcels identified in the referenced parcels.

The exception in the Draft EA that states with the express permission of the Landowner or Landowner's agent, the public can drive off roads, routes and trails. I read the exception saying Landowner can give permission for "specific" hunters to access to the CE boundary other than the designated county road points. I would suggest only allowing all hunting access and retrieval to be on CE land at the designated points, by foot traffic methods only, with no exceptions. Implementation and actively monitoring of the public accessing into the proposed areas is critical element tied to the success of the CE and/or the irritation of local neighbors. This access monitoring becomes much more of an effort with the Landowner exception allowed. Allowing certain hunters better access points or allowing motorized retrieval of game would not be equal access for all parties and would allow the landowner to provide preferential access. (Comment 21)

FWP response: The easement (Exhibit D, pg. 53) and management plan (Exhibits C, pg. 77) identify access roads and parking areas that the landowner is required to allow the public (that are granted permission) to use when road and other weather conditions permit and are considered a minimum access requirement. This easement does not prevent landowners from allowing additional public access that is consistent with the conservation goals of the easement. The access routes and parking areas identified in the management plan result in the majority of the property being within 1-mile of a parking area, access road, or existing county road. There may be some hunters who are unable to hike or retrieve game across these distances. Under the easement, the landowner would retain the latitude to allow public use of other existing roads and trails not identified as access routes in the management plan. The easement states that "with the express permission of the Landowner or Landowner's agent, the public can drive off these roads" which refers to the identified access roads. The management plan states on pg.62 that "Internal roads not identified in Appendix C are not approved for public travel and use of these roads is by discretion of the Landowner." Off-road vehicle use by the public in non-cultivated areas or in areas without existing roads that would result in vegetation damage would not be permitted by the easement.

How will CE hunter communications be handled as contact this landowner is challenging. (Comment 21)

FWP response: If the landowner is not enrolled in Block Management, they would be responsible for administering and tracking permission for hunting and other recreational access. The landowner has been informed and understands the time commitment and challenges that managing 400 hunter/days will likely require.

How was the 400 hunter/days requirement for this easement set? (Comment 19)

FWP Response: The 400 hunter/day requirement was determined through collaboration with the landowner based primarily on the size of the property, the types of hunting opportunity available on the property, and the level of hunting needed to aid in wildlife management harvest objectives while also minimizing potential for hunter conflict.

A comment expressed concern the landowner would only allow nonresident hunters that have paid to hunt on the property in the future and will still be charging a fee for hunting to these hunters. (Comment 22)

FWP Response: As per Section II.D.9 of the CE, the Landowner may not charge fees, lease, or commercially outfit for hunting, fishing, trapping, or charge fees for access to deeded land or to adjoining public land. The easement also states that Public access for hunting must be managed on a

non-preferential and nondiscriminatory basis. The landowner would be expected to keep records of all individuals granted access so that hunter days may be tracked.

Cost

There were two comments that expressed concern about the cost of this easement and felt the easement was overpriced and wanted to know how the cost of the easement was determined. One comment questioned what the price of the easement per hunter day would be. (Comment 21, &22)

FWP Response: As was stated in the Draft EA on page 2, a value for the easement was determined by a professional independent appraisal. The appraiser first determines the overall value of the property by comparing recent fee simple sales in the vicinity of the subject property, and then the appraiser determines the diminished value of the property under the terms of the conservation easement. Whether public access is a required term of the conservation easement is only one factor determining diminished value. Other factors are restrictions to the landowner's uses and protection of the conservation values of the property. The difference between the fee simple and diminished valuations represents the value of the conservation easement. If possible, the appraiser compares the subject property with recent sales of properties in the vicinity that are already encumbered by conservation easements, but such sales are uncommon. In addition, the price paid for a conservation easement is reduced by 50% for all acreage that remains in crop production and by 30% for all acreage that is classified as non-native vegetation.

FWP Staffing

Does the MTFWP have the staff and funds to truly enforce hunting regulations with this large easement area? Does the FWP have qualified staff and the time to assure plan management is acceptable? (Comment 21)

FWP Response: FWP added an additional warden based in Chinook in the last two years and a Warden Sergeant in Havre within the last year. The addition of these positions will provide added manpower to patrol and enforce hunting regulations on this easement and on adjacent lands. FWP has a Conservation Stewardship Manager who meets with landowners on a yearly basis to ensure compliance with terms of the easement. Wildlife staff based out of the Havre Area Office would also assist in working with the landowner, helping to resolve day-to-day issues while ensuring terms of the conservation easement and management plan are adhered to.

Impact on Adjacent Land

The Draft EA indicates that there would be no significant impact to adjacent private land. The number of hunters in the area will go up drastically. More hunter numbers means more conflicts. More damage to the very poor county roads. There is no effort to improve the local road infrastructure. Has the DEA even asked opinion of the CE from County staff. Neighboring landowner phones will ring more from new hunters who want additional hunting ground, who want to be pulled out of the bog hole in county road, or neighbors will find a fence gate either not shut a gate shut when it was open. Litter and trash will come with extra hunters. EMT service is also very limited in the CE area. If an accident happens, the local volunteer EMS comes from a long ways away to try and help. (Comment 21)

FWP Response: The 400 hunter days required by this easement would be expected to increase hunter numbers in the area. Increases in hunter numbers could have impacts on neighboring landowners. Permission for hunting on the LTCE would be regulated and tracked by the landowner which would allow FWP to better respond to violations and minimize problems in the area. FWP's experience with Block Management Areas with similar levels of hunter days have often found that the added public and FWP presence in these areas can reduce poaching, trespassing, and other hunting related issues. Although there would be additional hunter use of roads in this area, it is not expected to be at a level that would result in additional road maintenance (based on other access projects in the area with similar hunter/day use). The Blaine County Commissioners were consulted on this project at several points during the development of the project. With increased hunter use of the area it is possible there may be some additional need for EMT services although this is not expected to be a significant increase.

Grazing Management

Why are the FWP grazing management standard used for grazing rather than BLM standards. Was the BLM or Monument brought into this discussion on changes in this area with the CE. Why are School Trust Lands and BLM land included in the CE? (Comment 21)

FWP Response: The BLM and DNRC were consulted regarding this CE to ensure that the grazing system proposed for this easement would be compatible with the grazing requirement for those allotments/leases that are fenced with private land included in the easement. The easement terms and FWP grazing management standards only apply directly to the private land included in the easement. The acreages of BLM and DNRC lands referenced in the Draft EA are leased by the landowner and fenced in the same pasture as deeded land included in the EA. Changes in grazing on the deeded land would therefore affect grazing on these leases/allotments. The easement terms do not apply to public lands, only to deeded lands included in the conservation easement.

A strict Rest Rotation grazing system may not be in the best interest of the land and purpose of this easement. I urge that the terms of this easement move to an attitude of applying Best Grazing Management Practices which can include principles of rest rotation and evolving understanding of grazing and rangeland management and technical ability to apply management. (Comment 19)

FWP Response: FWP's grazing standards require a minimum amount of deferment and rest on native habitats, for the benefit of soil, water, vegetation and wildlife. The details of the grazing system are included in the management plan rather in the deed of conservation easement. This allows flexibility for mutually adjusting the grazing plan as changes occur in the landowner's operation or to address other issues. The Management Plan identifies some of the wildlife and vegetation benefits anticipated when employing FWP grazing standards. This approach has also proven to be easy for landowners to understand and implement and for FWP to monitor.

The Draft EA discusses sustainable grazing practices as a guideline. In the Rangeland Management Science there are advancements in understanding of ecological processes and application of grazing technology that it is possible for grazing practices to go beyond sustainable and actually be regenerative to ecosystem health and function. (Comment 19)

FWP Response: FWP would agree as is referenced in the grazing management standards that "Conserving wildlife habitat while continuing livestock grazing typically requires management strategies

that differ from those employed for the sole purpose of maintaining a sustainable livestock forage base that maximizes livestock production". FWP believes grazing can be managed in a manner that is beneficial to landowners, livestock, wildlife, and rangeland health and function.

Depiction of a three treatment Rest Rotation should be reinforced as a simple example and not be construed to be a rigid sequence of grazing to be applied. A grazing prescription needs to understand the principles of meeting plant physiological needs, other management goals/objectives and faithfully applying the prescription. (Comment 19)

FWP Response: The rest-rotation grazing system proposed to be implemented in the Lone Tree Management Plan is based on the phenology and physiological needs of the plants. The timing of the transition from Early to Late grazing treatments is based on typical seed-ripe dates for the primary grass species in this area. The management plan would have the flexibility to alter these dates if needed to better reflect that phenology of vegetation on this easement.

Within the Standards for Grazing livestock it is recommended that there be a section that states improvement will be wildlife friendly. Including standards for fences, access to water etc. Also, electric fence and especially advances in materials for temporary electric fences hold promise for being wildlife and aesthetically friendly. (Comment 19)

FWP Response: FWP agrees with the benefits of wildlife friendly fencing and will take this comment into consideration when developing the next iteration of the Department's grazing standard. The planned fencing improvements identified in the management plan do require wildlife friendly fencing which includes a bottom smooth-wire and a minimum height of 18" above the ground. The easement does not restrict the landowner's use of electric fencing as long as it is not a barrier to wildlife movement.

In the past, growing season concerns have focused on the spring and early summer with little emphasis on fall growing season. It is now being recognized that the late summer early fall growing season is also important, especially cool season perennial grasses that are important species in the area of this easement. This later season growing period has been identified as the primary season for healthy root growth, carbohydrate storage and preparation for the following growing season start. (Comment 19)

FWP Response: The rest and deferment of the rest-rotation grazing system proposed for the grazing system would provide each pasture two years of late summer/fall growing season rest between fall grazing treatments during which time root growth, carbohydrate storage, and plant vigor may be replenished and resilience to grazing may be increased.

Prudent stocking rates vary from year to year mostly based on immediate weather circumstances but also on the grazing strategy and specific goals and objectives. It needs to be reinforced that actual use records be permanently maintained and periodically reviewed/consulted between the Mt FWP, landowner and livestock operator in annual and future management planning. (Comment 19)

FWP Response: FWP does not set a maximum stocking rate within its easements. The maximum stocking rate will be ultimately determined by the operator's ability to conform to the grazing system. During annual easement reviews, FWP staff meet with the landowner to determine the success of the grazing system in meeting the goals of both the landowner and the easement. FWP monitors if the grazing rotation was adhered to and also works with the landowner to identify any issues or problems with the grazing system that may need to be addressed through changes to the management plan.

It might also be useful to insert a provision for Targeted grazing treatments to address specific resource issues. Advances in application of Target Grazing is growing rapidly and more widely accepted and successful. These would be specific short-term occasional treatments in specific areas to meet specific objectives. Examples could include weed control, fire breaks, wildlife habitat manipulation, pre and post crop management etc. (Comment 19)

FWP Response: The Management Plan and grazing system would have the flexibility to be modified if deemed necessary by the landowner and FWP. In addition, the proposed rest-rotation grazing system would still be compatible with targeted grazing treatments as long as the timing of these targeted treatments occurs during periods when grazing is allowed in a pasture. The rest-rotation grazing system does not apply to all pasture/fields on the property. Pastures and fields that are cultivated or are primarily non-native grasses where hay production is allowed would have greater flexibility to allow additional grazing treatments to meet other management objectives.

Coordination with other Parties.

It might also be useful to insert language that Mt FWP the landowner and other landowners and land management agencies in the area will be consulted and cooperated with whenever possible to maintain a good neighbor relationship. (Comment 19)

FWP Response: FWP plans to work cooperatively with the BLM and DNRC regarding any changes in the grazing system or related infrastructure that would impact BLM or DNRC grazing leases and allotments in the area. During this easement process, the landowner and FWP have worked to keep neighboring landowners informed of the process and of opportunities to provide input on this project. An advantage of conservation easements, lands are managed for conservation values while keeping them in private ownership which helps maintain the relationships between the current landowner and other neighboring landowners in the area.

Herbicide use

On page 2 the statement that noxious weeds should include addition of: as designated in State regulations and in accordance with chemical label restrictions. (Comment 19)

FWP Response: The deed of conservation easement Paragraph II.C.12.b language will be modified to include the following "The right to use herbicides for control of noxious weeds, as defined by the state of Montana or other lawful authority with jurisdiction, and other invasive nonnative plants. Such use must be in the amount and frequency of application constituting the minimum necessary to accomplish reasonable control of weeds based on pesticide label use instructions and all applicable state and federal regulations, and in a manner that will minimize damage to native plants.

It would be useful to state or clarify attitude on chemical fallow and fertilizing methods of farming since it is becoming apparent that chemical fallow and fertilizing may not be in the long-term purposes of this easement.

FWP Response: This easement does not restrict the use of chemical fallow or fertilization. The landowner would have the option of utilizing mechanical fallow or other fertilization methods in fields

where cultivation is allowed if desired. However, in this easement that is a decision left to the landowner.

Threatened or Endangered Species

This section does not mention threatened or endangered plant species. This might be expanded to mention T&E plant species as is often required in NEPA documents. For a short time, I was expected to address T&E plants in the area and at the time we were not aware of any plants that would qualify as T&E plant species, however I suggest that FWP check with the Montana heritage program to verify. (Comment 19)

FWP Response: The Montana Heritage Program database was queried for threatened and endangered plant species and there were no threatened or endangered plant or animal species known to occur on this property.

Impacts to Local Taxers

Taxes on livestock changed per action of the Montana State government and are likely to continue to change. In addition, livestock on the properties currently are crossing between counties and if pastured cattle were to be placed on the property they may well be from other counties. This is not likely to be a significant issue but can be concern. (Comment 19)

FWP Response: FWP agrees that the potential benefit from additional livestock referenced in the Draft EA would not be a replacement of property taxes. While there may be a minor benefit from additional livestock, these payments would not be distributed in the same manner as property taxes and the benefit of these taxes would not be limited to Blaine County.

Public involvement

There were two comments asking that responses to all public comments of merit be formally addressed. (Comment 19 & 21)

FWP Response: The responses to formal comments raised during the Draft EA process that have merit and are within the scope of this EA have been included in this Decision Notice.

Monitoring activities need to have a larger purpose than just compliance with the terms of the easement. When monitoring indicates changes in the resource values are occurring it may or may not be a factor of compliance. Monitoring also needs to be a continuous process including keeping good records of causal influences such as weather (precipitation, weather events, fire etc.), actual use of grazing (dates of use, duration of use, class of livestock and number of livestock) and other uses to accurately determine what has led to the effect observed. (Comment 19)

FWP Response: FWP does conduct annual reviews of easements to determine compliance with the easement and also to identify issues, such as fire, drought and other weather events, that may have impacted the functioning of the easement and adherence to the management plan. FWP also installs vegetation monitoring transects on many easements to monitor long-term changes in plant community composition and rangeland health.

DECISION NOTICE

Based on the Draft EA and comments received during the public comment period, a decision must be rendered by FWP which addresses the concerns and issues identified for this proposed action.

FWP's analysis of this proposal found no significant impacts of this project on the human or physical environment. The EA process did identify some potential negative impacts of the project. The department maintains these impacts can be mitigated or addressed if issues arise. The project would help conserve and enhance the wildlife and habitat values of the area and provide public hunting and other recreational opportunities while keeping the land in agricultural production and private ownership.

After reviewing this proposal and the public comments submitted, it is my decision to accept the Draft Environmental Assessment as supplemented by this Decision Notice and changes herein as final and recommend proceeding with the purchase of the Lone Tree Conservation Easement. This decision is subject to the approval of the Montana Fish and Wildlife Commission.

The Decision Notice will be available for public viewing on the FWP website at: <http://fwp.mt.gov/news/publicNotices>. Copies may also be obtained from Montana Fish, Wildlife and Parks, Havre Area Office, 2165 Hwy 2 East, Havre, MT 59501, (406) 265-6177.



July 29, 2020

Mark Sullivan
FWP Region 6 Supervisor

Appendix A--Public Comments

Comment #	Comment
1	<p>Dear Fish Wildlife & Parks Commission,</p> <p>The Lone Tree CE looks like a worth wild project. This CE should help keep this ranch in business for many years. The grazing plan looks great, and the opportunities for hunting should get better because of it. Please support this CE.</p> <p>Thanks Bert Otis</p>
2	<p>I am responding to the request from the public, regarding the Lone Pine Conservation Easement with the State of MT and the Gasvoda families. I would like to make it known, that in 2006 and again in 2007, in my family we drew two Bighorn Sheep tags. The Gasvoda families were supportive, granted access, and in return only asked that we not tear up the roads if they were to become wet, close all gates we opened to access different areas, and in addition provided keys to locks on gates when general season opened. This area is very remote, and a very special place hidden in the outlying areas of MT. In my opinion this is a gift to the state and a gift to all outdoorsman in this state. It must be managed as they have in the past, regarding access, and travel restrictions. 400 hunter days is a large number, but if control of the management is shared with the Gasvoda families, I do think it can be accommodated.</p> <p>It is of special note that the Gasvoda's have been very good stewards of the land and resources, as to have just survived the economic situation in Ag, but to have grown the operation in the fashion they have is a testament to that. This easement is a large investment, but it as well should ensure that the same family that has built this operation can for generations if they so desire, continue to be stewards of the land and continue in the MT way and raise families in the field of agriculture.</p> <p>I support this easement fully, and look forward to enjoying the opportunity it will provide.</p>
3	<p>If this will provide hunting access for walk in I think this will be good. I also believe a hiking multi-season approach would be good. Improving habitat is a great thing. I applaud your efforts.</p>
4	<p>This is a great opportunity to provide public access in some incredible wildlife habitat, please move forward with the C.E.</p>
5	<p>I would like to express my full support of the Lone Tree Conservation easement in Blaine County.</p>
6	<p>As a lifelong hunter who is concerned about both retention of landscape scale quality habitat and opportunities for the next generation of hunters, I support the acquisition of this important conservation easement.</p>

7	The Lone Tree conservation easement holds great opportunity for our pride-filled Montana values. The future of our habitat and accessibility for our children to enjoy. The fantastic CE work between private landowners and our great State is second to none.
8	<p>I strongly support MT FWP purchasing the Lone Tree Conservation Easement. Protecting this property as a working ranch is particularly important due to the strategic location of this property between Birch Creek/Black Coulee BLM lands and the Bullwacker BLM lands. Maintaining this area in its relatively intact natural state will secure a wildlife travel corridor between these two areas.</p> <p>This area has struggled with maintaining public access to large areas of BLM and other public lands, in particular the massive Bullwacker area. The public access component of this conservation easement will secure vital access to these lands in perpetuity.</p>
9	I fully support CEs I think this is a great use of sportsman dollars. Thank you
10	I support this easement
11	I support the purchase of the Lone Tree conservation easement. I feel that this is an incredible opportunity, and will benefit the people of Montana immensely.
12	<p>The Montana Sportsmens Alliance is supporting the Lone Tree CE,</p> <p>Leadership team Steve Schindler-Glasgow Joe Perry -Conrad Dale Tribby -Miles City JW Westman – Laural Robert Wood Hamilton Doug Krings -Lewistown Laura Lundquist –Missoula Gary Hammond – Billings Jeff Herbert - Helena Don Thomas – Lewistown</p>
13	Love this opportunity to secure public access here. Great cooperation between the landowner and FWP. Very supportive of this conservation easement.
14	I'm very supportive to this easement, and the proposed habitat improvement for wildlife in this section. As a visitor, hunter and (hopefully eventual resident), I love the push for more habitat and opportunity being provided by Montana FWP. Especially these areas that are more prairie like in habitat.

15	This easement would be a great success in the breaks, conserving habitat and expanding public access is always a good thing.
16	<p>Thank you for the opportunity to comment on this proposed conservation easement. I am a lifelong hunter, former resident of Montana, and current non-resident hunter. One of my biggest concerns as a hunter is maintaining intact portions of habitat, and improving what habitat is currently available. In addition, I am highly concerned with loss of public access to both private lands and landlocked public lands.</p> <p>This proposed easement would benefit all sportsmen and women by addressing all of these concerns. This portion of Montana is a natural gem and is entirely worthy of this protection.</p> <p>I fully support the purchase of this conservation easement.</p>
17	I whole heartedly support the Lone Tree Conservation Easement. It's a great idea.
18	<p>I think that this conservation easement would be very beneficial to both public land users and the landowner in question. I have accessed much of the public ground around this easement through various means - and this inclusion will be a positive move.</p> <p>I applaud FWP and the landowner(s) for working through the details.</p> <p>I strongly support this move and hope to see it move forward.</p>
19	<p>Changes in land ownership and attitude of landowners in Montana has made it difficult to manage land and the wildlife, hunting and general recreation. This is especially true in the area of South Blaine and Eastern Chouteau counties where there is a fair amount of public land.</p> <p>I am familiar with area having grown up recreating in the area since my childhood in the 1950's-60's. I also oversaw the rangeland management and grazing administration aspects of the public land in the area while working in the Bureau of Land Management from 1992 - 2008.</p> <p>I recognize that some of the points I am raising in these comments to the EA might be covered in Appendix II Deed of Conservation easement and Appendix III Easement Management Plan it would be useful if notes of reference would be provided to clarify the EA.</p> <p>Page 2 Alternative A: Acquiring easements to private land and across private land to public land in the area is a welcome development. The appraised easement value of five million dollars seems a lot of money but a perpetual easement is a long time it is likely that in 50 years we will come to recognize it as a good investment.</p>

Page 2 Alternative A: A strict Rest Rotation grazing system may not be in the best interest of the land and purpose of this easement. I urge that the terms of this easement move to an attitude of applying Best Grazing Management Practices which can include principles of rest rotation and evolving understanding of grazing and rangeland management and technical ability to apply management.

Page 2 Summarized Terms point (4) It might be useful to explain how the 400 hunter days was arrived at.

Page 3 continued from Page 2 point (4) noxious weeds should include addition of: as designated in State regulations.

Page 3 point (10) same point as above but also in accordance with chemical label restrictions.

It could be useful to state or clarify attitude on chemical fallow and fertilizing methods of farming since it is becoming apparent that chemical fallow/fertilizing may not be in the long term purposes of this easement. Also to not conflict with point (10) under restricted uses.

Page 4 Vegetation Resources. This section does not mention threatened or endangered plant species. This might be expanded to mention T&E plant species as is often required in NEPA documents. For a short time I was expected to address T&E plants in the area and at the time we were not aware of any plants that would qualify as T&E plant species, however I suggest that FWP check with the Montana heritage program to verify.

Page 6 Public Services/Taxes/Utilities: Concerning taxes on cattle might not be as clear as it could be. Taxes on livestock changed per action of the Montana State government and are likely to continue to change. In addition, livestock on the properties currently are crossing between counties and if pastured cattle were to be placed on the property they may well be from other counties. This is not likely to be a significant issue, but can be concern.

Page 8 Evaluation of Need for EIS: Having been involved with developing projects and land management actions, including writing of Environmental assessments and Environmental Impact Statements: I agree that an Environmental Impact Statement is not necessary.

Page 8 Public involvement. NEPA does require responses to comments of merit be addressed. If MEPA requires specific response these responses

should be made available if not in the document by reference to the appropriate record.

Page 29 section F. Easement Baseline Report

Monitoring activities need to have a larger purpose than just compliance with the terms of the easement. When monitoring indicates changes in the resource values are occurring it may or may not be a factor of compliance. Monitoring also needs to be a continuous process including keeping good records of causal influences such as weather (precipitation, weather events, fire etc), actual use of grazing (dates of use, duration of use, class of livestock and number of livestock) and other uses to accurately determine what has led to the effect observed.

Page 47 discusses sustainable grazing practices as a guideline. In the Rangeland Management Science there are advancements in understanding of ecological processes and application of grazing technology that it is possible for grazing practices to go beyond sustainable and actually be regenerative to ecosystem health and function.

Page 48 Standard for Summer/Fall In the past, growing season concerns have focused on the spring and early summer with little emphasis on fall growing season. It is now being recognized that the late summer early fall growing season is also important, especially cool season perennial grasses that are important species in the area of this easement. This later season growing period has been identified as the primary season for healthy root growth, carbohydrate storage and preparation for the following growing season start.

Page 49 depiction of a three treatment Rest Rotation should be reinforced as a simple example and not be construed to be a rigid sequence of grazing to be applied. A grazing prescription needs to understand the principles of meeting plant physiological needs, other management goals/objectives and faithfully applying the prescription.

Page 51 Stocking Rate: Prudent stocking rates vary from year to year mostly based on immediate weather circumstances but also on the grazing strategy and specific goals and objectives. It needs to be reinforced that actual use records be permanently maintained and periodically reviewed/consulted between the Mt FWP, landowner and livestock operator in annual and future management planning.

Within the Standards for Grazing livestock it is recommended that there be a section that states improvement will be wildlife friendly. Including standards for fences, access to water etc. Also electric fence and especially advances in

	<p>materials for temporary electric fences hold promise for being wildlife and aesthetically friendly.</p> <p>It might also be useful to insert a provision for Targeted grazing treatments to address specific resource issues. Advances in application of Target Grazing is growing rapidly and more widely accepted and successful. These would be specific short term occasional treatments in specific areas to meet specific objectives. Examples could include weed control, fire breaks, wildlife habitat manipulation, pre and post crop management etc.</p> <p>It might also be useful to insert language that Mt FWP the landowner and other landowners and land management agencies in the area will be consulted and cooperated with whenever possible to maintain a good neighbor relationship.</p> <p>A detail read of and comment on Appendix III has not been made, however the comments to the EA and Appendix II apply to coinciding sections of this Plan.</p> <p>Thank you for the opportunity to comment on this easement proposal. I hope it can come to fruition and that Montana Fish, Wildlife and Park continue to pursue similar easements that will provide more and better wildlife habitat, access to private and public land while maintaining responsible use of lands and natural resources in Montana.</p>
20	I am writing to express my support in FEP acquiring the Lone Tree Easement.
21	<p>Issues and concerns I perceive related to this proposal. Comment date 16-18-2020</p> <p>My first concern after reading the DEA is not being able to find answers to concerns I addressed from my earlier 10-31-19 comments to FWP: (the following is from my first comment reply on the CE)</p> <p>1. HUNTER ACCESS. Will the hunter access at the CE areas be by state statutes? The DEA (draft environmental assessment) is now stating there will be designated parking spots on county (or other designated CE ranch roads) for hunters to directly access to CE lands without accessing CE lands through other privately owned property. This access would additionally be by walking in and walk out, and “no vehicle access”. This method of access is a reasonable mandate for the neighboring properties. Also this access would take away any question about whether CE hunters on CE land have legally accessed, but on page 16 of DEA <u>there is an exception</u>, “with the express permission of the Landowner or Landowner’s agent, the public can drive off roads, routes and trails.” I read the exception saying Landowner can give permission for</p>

“specific” hunters to access to the CE boundary other than the designated county road points. Again by state statues a hunter needs to have permission to cross all/any other landowner property to access to the CE area where permission to hunt was granted. I have been in this area for all my life, and been hunting it for 54 years. I have seen where in the past, outfitter’s hunters (and other hunters) have not always followed legal access rules. Who is responsible to make sure illegal access is enforced, the hunter, the guide/outfitter, FWP (now) or the landowner who is providing the hunting grounds? This CE exception on allowing Landowner to permit additional access with the CE brings the hunter access issue up again. Trespassing (illegal access) is easy to do in this wide open country. Requiring legal public access for the hunters into the CE areas is important. **I would suggest only allowing all hunting access and retrieval to be on CE land at the designated points, by foot traffic methods only, with no exceptions.** In same regards the DEA makes reference that public access for hunting must be managed on a non-preferential and non-discriminatory basis. Point being, if Landowners allows certain hunters better access points and allows motorized retrieval of game for some, then this would not be fair with all parties, especially those that walk in and out, no motorized vehicle. I am not sure why FWP allows the exception, for the Landowners to arbitrarily allow some hunters to drive off roads, routes and trails and motorized retrieval. Implementation and actively monitoring of the public accessing into the proposed areas is critical element tied to the success of the CE and/or the irritation of local neighbors. This access monitoring becomes much more of an effort with the Landowner exception allowed. The original access as stated, without the exception, would allow the Landowners neighbors to be more accepting of the CE.

Before the CE was started, the Landowner’s property areas were conveniently accessed across the other property owners in the area. The current land owners of the proposed CE have rejected my request for signing an access easement to allow me to have legal access easement documentation to access property I own that is further back in. The reason given by them for not signing my access proposed easement was, “in this area we do not want to require formal easements from other property owners to pass through the neighbor’s land to get to their own land”. I can understand a rancher’s view on not requiring formal easements, but what is legal and fair for one should be the same for all. Without legal easements established, the only legal access the general public has to access the proposed CE areas is by utilizing the county (public) roads and then not crossing any other private lands unless a formal easement is established.

2. “CE ACCESS” Does the CE have legal access to allow the public to cross CE neighbor’s land to get to a CE areas? The CE map provided still shows where one separate CE area is not directly accessed off a county (public) road. This

specific area is in section 13, T24N and R18E (the access land that needs to be crossed is owned by Bolds). Maybe Bolds have agreed to an easement for public access through their property. I would like to see that document. Also the proposed easement area shown on your enclosed map in sections 3 and 10 of T23N and R18E is not accessible because you cannot crisscross other property to enter into this area. (Jerry Magda's property). Again maybe there is an access easement for the CE?

2. COST. Before the State (FWP) entertains or provides funding of this easement proposal, extensive land costs evaluation on the proposed reimbursement needs to be explained by the FWP. Creating a conservation easement is not only a concern with locals but with all citizens of the state. The funds required to support this endeavor comes from the State FWP fees and licenses. There is now a proposed dollar amount provided on the cost for this proposal stated in the DEA. The appraisal numbers used to equate the CE value should be shared to all citizens of the State and needs be transparent and up front. (See alternatives, page 2 for a brief FWP explanation of the appraisal.

A \$5,000,000 dollar reimbursement amount for the CE is listed in the DEA. The deeded land includes 11,285 acres total or a value of \$443/acre based all Landowner deeded area. Considering 2/3 of the deeded land is pasture land or what could be called "bad lands" if one is trying to raise cattle on it. The southern CE area has no ground water except from what rain or snow provides on the surface. Where did the \$5,000,000 figure come from? \$5,000,000 would have been a good price for the Landowner to sell out completely in my opinion. What is the number of hunter days anticipated who would be afforded this CE opportunity? What is the price per a hunter day figure out to be?

3. IMPLEMENTATION. Other concerns include opening the area up to more hunters and the ill-informed hunters on easement boundaries and legal access and routes. I have been hunting in these same breaks (54 years) and have never seen a game warden in the area at the same time as myself, except opening day of the 2018 hunting season. Does the MTFWP have the staff and funds to truly enforce hunting regulation with this large easement area? Does the FWP have qualified staff and the time to assure plan management is acceptable?

1. page 5, para 6. Impacts on adjacent lands. "no significant negative impact would be expected". I totally disagree. First the number of hunters in the area will go up drastically. I would not guess how many more hunters will now show up because of the CE. I have been in similar areas of the breaks that have considerable more public hunters such as, Cow Creek area and CMR Russel areas. These public land areas draw a whole lot more hunters then

what you currently see in the previous “hunting by outfitter” area of the CE. More hunter numbers means more conflicts. More damage to the very poor county roads (hardly any gravel and considerably more gumbo) in the area, with hunters traveling to the CE designated areas during wet fall times. There is little to no county maintenance on county roads now. Now there will be an increase in the number of hunter numbers traveling the roads. EMT service is also very limited in the CE area. If an accident happens, the local volunteer EMS comes from a long ways away to try and help. This situation is same as when the Monument was planned. Similarly the FWP is trying to develop a big project for the people, but not planning to make the complete and appropriate improvements. There is no effort to improve the local road infrastructure and (I would assume) with no funds available for the County to help the situation. Has the DEA even asked opinion of the CE from County staff?

To arbitrarily state in the DEA that the FWP is going to add staff is bogus. I think I heard you did not even have staff to keep a hunter’s station on the east side of Havre open. I live in Great Falls and I travel the IX property to and fro from the breaks. A couple of years ago the IX ranch went to a block management plan and what a mess. There was so much additional traffic along the Big Sandy road, “road hunting” I think they call it. The vehicles stopped any which way to view into the management area and not watch the road, funny no one was hurt from a vehicle accident.

In the same referenced para. What does “All parcels of property included in the easement have been verified to have public access or will have easements for public easement by recording of the easement”?

Adjacent land owners, granted there are not many left, will be impacted. Their phones will ring more from new hunters who want additional hunting ground, who want to be pulled out of the bog hole in county road, or neighbors will find a fence gate either not shut a gate shut when it was open. Litter and trash will come with extra hunters.

2. Public Involvement, page 8. Why were the concerns/questions (issues raised) by the public but not answered directly in the DEA? I wonder why I go through the effort to ask questions or raise concern and then get no direct answer on the issues? I can get answers from the DEA for some of the issues, but please answer item 2) will the general public be provided legal public access? Several of the parcels do not appear to have legal access. And answer item 3) what will the cost for the easement be (we got that figure) and will the easement be worth the cost?

3. Under the, rights conveyed to the department, page 15. Para 5, sub para c and sub para iii. “public access for hunting must be managed on a non-preferential and nondiscriminatory basis” How will this truly work, when the CE allows the Landowner to take exception to require hunters to use designated parking areas, walk in only, and allow the public to drive off roads, routes and trails. I read the exception saying Landowner can give permission for “specific” hunters to access to the CE boundary other than the designated county road points and can allow motorized retrieval. Allowing the exception will automatically create a non-preferential and nondiscriminatory condition. **This is a big concern. Hunters walking in 2 miles from the designated points and retrieving their game by foot have earned that animal.**

On page 16, top para f, is the verbiage allowing for Landowner to make exception to start hunting at a designated point, and only walking in and out.

The CE should not be a complimentary benefit to Landowner’s hunting interest, i.e. the Landowner saving and hunting the “hot spots” by vehicle over any route, where general public is restricted. The Landowner can hunt but be restricted to the same regulations as the general public.

4. FWP minimum standards for grazing livestock. Page 47. General concern why is the BLM resources not used with grazing management? BLM have been implementing cattle grazing for a long time and are very familiar with this area. Was either the BLM or Monument people brought into this discussion on new changes in the area with the CE? Seems like the BLM or Monument staffing may have concerns also, same as Blaine County.

5. Lone Tree CE management Plan, page 59, top of the page. “In addition to deeded lands included in this CE there are also 167 acres of School trust land managed by DNRC and 740 acres of land managed by the BLM. Why are School trust and BLM lands included in this CE? Does the Landowner get payment for these lands also?

6. Lastly, in the past I have been in the position to try and contact this Landowner for items related to hunting and he is not easy to contact. In the past I have spent up to 30 phone contacts to get a hold of him by phone. How will this CE hunter communication be better handled? Communication is a timely thing for the general public also. The general public has many dollars invested in their efforts also.

In conclusion. For the high price the FWP is approving for this CE, the general public should be getting equal rights and privileges for CE hunting conditions.

	<p>This is a big deal and hopefully FWP feels they are making the best quality hunting opportunity for all area hunters. When FWP promote such endeavors, the FWP needs to step up and try to enhance local infrastructures (county roads and EMS as example) for the other people who have to live in this area with a CE. These neighbors do not get compensated at all. This CE is no benefit for the other locals of the area, just more people and problems.</p>
<p>22</p>	<p>FWP has to be completely out of their mind Paying almost 1/2 the asking price in which the land owner was willing to sell for!!!! The public loses big in this one as letting the landowner maintain the access is also complete wrong. This land owner is planning on letting the 6 non residents that has been paying him directly to to hunt for 2 weeks the ability to take up 2 weeks of those hunter days and they will still be paying him. If this goes through public comment and investigating the the land owners background obviously was not acknowledged!!!! WAKE UP FWP</p>